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06 UNITED STATES DISTRICT COURT
07 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

08 JOHN LITTLE,) CASE NO. C07-1341-BHS-MAT
09 Plaintiff,)
10 v.) ORDER DENYING PLAINTIFF'S
11 PAT PENDRY, et al.,) MOTION TO COMPEL
12 Defendants.)
13 _____)

14 Plaintiff, proceeding *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983 action, filed
15 a Motion to Compel Discovery (Dkt. 63). He seeks to compel responses to specific
16 interrogatories, asserting the insufficiency of the defendants' objections. He also requests, without
17 any discussion, an extension of the time allowed for discovery. Defendants object to the motion,
18 asserting plaintiff failed to comply with Federal Rule of Civil Procedure 37 and that plaintiff's
19 motion, filed nearly a month after the discovery cutoff, should be denied as untimely. (Dkt. 68.)
20 Having considered all documents filed in support and in opposition to the pending motion, as well
21 as the remainder of the record, the Court does hereby find and ORDER:

22 (1) As asserted by defendants, plaintiff failed to comply with Rule 37, which requires

01 a party moving to compel discovery to include a certification that he or she “has in good faith
02 conferred or attempted to confer with the person or party failing to make disclosure or discovery
03 in an effort to obtain it without court action.” Fed. R. Civ. P. 37(a)(1). Plaintiff failed to include
04 such a certification and there is no evidence he made any effort to confer with defendants. At best,
05 it appears plaintiff sent defendants a letter noting he objected to the interrogatory responses. (*See*
06 Dkts. 61 & 71.) However, this letter does not satisfy the requirements of Rule 37 or Local Rule
07 37(a)(2)(A), which states: “A good faith effort to confer . . . requires a face-to-face meeting or
08 a telephonic conference.” Moreover, as also asserted by defendants, plaintiff filed his motion to
09 compel well after the April 18, 2008 discovery cut-off deadline. (*See* Dkts. 42 & 63.) Plaintiff
10 gives no explanation for this delay, nor does he otherwise support his general request for an
11 extension of the discovery deadline. Finally, a review of defendants’ responses to the
12 interrogatories in question (*see* Dkts. 64 & 69) does not support plaintiff’s contention as to their
13 inadequacy. For all of these reasons, plaintiff’s motion to compel is DENIED.

14 (2) The Clerk shall send a copy of this Order to plaintiff, to counsel for defendants, and
15 to the Honorable Benjamin H. Settle.

16 DATED this 25th day of June, 2008.

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18 Mary Alice Theiler
19 United States Magistrate Judge
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